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ART. I.—*History of Kentucky.*

The History of Kentucky, exhibiting an Account of the Modern Discovery, Settlement, Progressive Improvement, Civil and Military Transactions, and the Present State of the Country. In two volumes. By H. MARSHALL. Frankfort. 1824.

The history of Kentucky is replete with interest for those, who contemplate with a philosophical eye the gradual but incessant advances of human improvement, and the final triumph of human intelligence over the obstacles presented by rude nature and savage men. It may be asserted, with strict regard to truth, that the annals of no country afford more convincing testimony of the courage, the patience and the inflexible perseverance with which its primitive inhabitants have met and surmounted all the difficulties by which they were opposed, in their attempts to secure for themselves and their posterity a permanent resting-place upon the soil. From the first effort which was made to effect a settlement in Kentucky, until within a comparatively short period, the emigrant was beset by dangers and subjected to sufferings and privations, sufficient to appal any heart, that had not been taught by long and painful trials, to encounter whatever might resist the accomplishment of its determined purpose. The wild face of nature was the least powerful enemy of the enterprising settler. He was compelled to contend in almost unremitted combat with the

savage, against whose vengeance and insidious plans for its gratification, it required all his vigilance and intrepidity to guard.

We have the authority of Filson for the fact, that James Mc Bride was the first white man who visited, or, as that writer declares, ‘discovered’ Kentucky. This visit or discovery was made in 1754. It is asserted by Filson, that Mc Bride, in that year, descended the Ohio accompanied by some other individuals, in canoes, ‘landed at the mouth of Kentucky river, and there marked a tree with the first letters of his name and the date, which remain to this day.’ Marshall appears to entertain a doubt on this subject; at least he does not, in referring to the visit of Mc Bride, express himself in such unequivocal language as is employed by Filson. He alludes to the circumstance rather as a traditional one, than as if it were entitled to implicit credence, and informs us that this tradition was not known in Virginia so lately as 1767, thirteen years subsequently to the time at which the rude memorial of discovery, mentioned by Filson, is alleged to have been made.

From the period of Mc Bride’s excursion to Kentucky until 1767, no information respecting it appears to have been received. In that year, a party, consisting of John Finley and others, formed with the intention of trading with the Indians, traversed the country, which was then called by the natives the ‘Dark and Bloody Ground,’ and sometimes the ‘Middle Ground.’ Doctor Walker, of Virginia, a gentleman of great intelligence and enterprise, had, about the year 1758, led a small party into that region, for the purpose of exploring Powel’s Valley, on the east of the ridge to which he gave the name of Cumberland mountain. While engaged in his researches, he learned that the Ohio was not far distant, and that he might arrive at it by pursuing a north-easterly course. Having obtained the consent of his associates to accompany him, he and his party directed their course towards Cumberland Gap. They passed through this opening, descended Cumberland mountain, and discovered a large river, to which the Doctor gave the name of Cumberland. Supposing that the Ohio lay east of north, he was induced to proceed in that direction, which proved not to be the right one, and, in consequence of this error, he was detained in a rough, mountainous region, until he had passed the Kentucky river, which he named Louisa. He then arrived at Big Sandy river, hav-

ing failed in his attempt to discover the Ohio. After enduring great labor and surmounting many difficulties in his progress through this wild region, he returned home, without having acquired any valuable information respecting it, and so much discouraged by the result of his journey, that he did not again visit the country. His account of it was so unfavorable, that it did not induce others to visit it. The zeal for discovery was repressed by apprehension of the suffering, labor and peril, which were to be encountered in making the attempt. This timid inactivity did not, however, long prevail. The spirit of enterprise was not extinguished, although it was for a time inactive.

From the narrative of Filson, it is to be inferred that the attempt of Doctor Walker to explore Kentucky was made several years subsequently to the period, which has just been named. After mentioning the first visit of Daniel Boone to that country, which occurred in 1769, and his return home in 1771, Filson relates, that Kentucky having 'about this period' attracted the attention of several persons, Doctor Walker, with other individuals, undertook a tour of discovery towards the west, for the purpose of visiting the Ohio; and that, subsequently, he and General Lewis purchased from the Five Nations of Indians the lands lying on the north side of Kentucky. It is probable that Filson is mistaken in the date of Walker's undertaking; this appears by reference to a document prefixed to the first volume of Marshall's History, in which it is said, that Doctor Walker first arrived in Kentucky in 1750, and made a second visit to it in 1760, when he advanced as far as Dick river. There is a discrepancy between all the dates given by the three authorities which have been referred to in this article, as those at which the expedition of Walker occurred. The first period, mentioned in the preliminary paper attached to Marshall's History, is eight years earlier than that which is assigned by Marshall himself, as the date of Walker's enterprise; and the second, two years later. The time when his visit is said by Filson to have occurred, is twenty-one years after the first, and eleven years after the second date given in the introductory paper just alluded to, and thirteen years later than the period named by Marshall.

It is sufficient for those who may feel an interest in the subject now under consideration, to be convinced of the fact, that Doctor Walker was one of the earliest and most enterprising

explorers of Kentucky. His well merited fame, as an adventurous traveller or discoverer, will not be impaired in the estimation of those who candidly investigate his claims, by either antedating or advancing a few years the period of his journey.

While Spotswood was Governor of Virginia, there is reason for believing that he had formed an opinion relative to the nature of the level country situated between the Alleghany mountains and the Mississippi. It is supposed, that he conceived a plan for bringing it under the dominion of the British crown ; but, not being supported in his design by the Government, nothing was effected towards its execution, and the country continued to be known only from its situation on the English maps.

In 1739, a war commenced between Great Britain and Spain, subsequently to which Spotswood, then a private gentleman, was placed in command of the colonial troops. He was induced to believe that his project of taking possession of the country on the Ohio was soon to be accomplished, and it is surmised, that in carrying it into effect, he would have been supported by many of the inhabitants of Virginia. His death, which occurred soon afterwards, delayed its execution. During the war between Great Britain and France, which began about the year 1756, a number of colonists visited the upper waters of the Ohio, and by the treaty of Paris, in 1763, the possession of Fort Pitt was granted to the British crown. But, no efforts had yet been made to explore or occupy Kentucky. Either a prohibition existed against forming settlements on the western waters, or the establishment of them was permitted exclusively to the Ohio company, whose designs in relation to them were restricted to the north-western parts of Virginia, from which they were extended, with the late acquisitions of territory, as far as Fort Pitt.

But little information had been obtained respecting Kentucky, previously to the year 1767. At that period it was visited by Finley and his associates, as has already been stated. They were delighted with the appearance of the country ; but the account which they gave of it on their return home, although it excited considerable attention, did not immediately induce other adventurers to traverse its immense and gloomy forests. In 1769, however, two years after the return of

Finley to North Carolina, Kentucky was visited by some of the first explorers, accompanied by Daniel Boone, whom Finley attended as a guide; his own departure from the country, whither he had formerly gone in another capacity, having been occasioned by disputes existing between the Indians and the traders. Boone and his party continued longer in the country than Finley and his companions had remained there, and prosecuted their researches through its different portions more extensively. Proceeding in a westerly direction, they persevered in a long and fatiguing progress over a mountainous and forest region, until they reached the bounds of the territory which was the object of their expedition. Boone and Finley, having left some of their party in encampment, and detached others in search of game, set out upon a tour through the country, the appearance of which exceeded their expectations. Notwithstanding, however, the favorable auspices under which their enterprise had commenced, the travellers were discouraged by the difficulties to which they were subjected, and were all dispersed or killed by the Indians, with the exception of Boone, who, having protracted his residence in the country until 1771, at that time returned to his home on the Yadkin river, in North Carolina. The adventurous daring with which he prosecuted his design of establishing a permanent settlement in this dreary and inhospitable land, and the vicissitudes of fortune to which he was exposed in his wanderings through it, in part to his history a degree of interest which is rarely attached to the annals of human enterprise, and cast around his character a romantic lustre, which does not often distinguish the personages of real life. A detailed account of his various achievements, which may be derived from his personal narrative, is well worthy of perusal by his countrymen, to whom his name should be endeared by the numerous and valuable services which he has rendered them. His own simple statement furnishes the most graphic and agreeable account of the scenes and events which he witnessed, and in which he was a distinguished actor.

The description given of the country by Imlay, is as flattering as that which Boone has furnished. He is enthusiastic in his admiration of it, and considers it as a land of Arcadian happiness and beauty.

Impulse and encouragement continued to be given to the desire for adventure and emolument, which had been excited

in the bold spirits, who hoped to realise its ample gratification in the extensive regions of the West. The rumor of the discovery of Kentucky was circulated in the western part of Virginia, in 1770. The settlers on New Holston and Clinch rivers were roused to action. An association, composed of about forty persons, was formed, for the purpose of trapping and hunting west of the Cumberland mountain, which they passed at the gap that has already been referred to in this article. Nine of this party, led on by Colonel James Knox, advanced into Kentucky, and were designated as the *Long Hunters*, from the circumstance of their prolonged absence from home. The residue of the association did not obtain a view of the country, having been either cut off by the Indians, or deterred from proceeding on their expedition by their apprehensions of the peril and difficulties which they anticipated. Knox and his small party pursued a course north of west, visited the country south of the Kentucky river, and, continuing to advance by an irregular, but extensive route, obtained a knowledge of Cumberland and Green rivers. On their return home, they communicated the information which they had acquired relative to the country, and other individuals were excited by their representations to try their fortune in the new scene which had been opened for adventure. No information of Knox and Boone having met during their respective researches in Kentucky, has been handed down by tradition, or otherwise.

By the treaty of 1763, Great Britain acquired the right of territorial sovereignty over the country eastward of the Mississippi, including Kentucky, to which France had previously asserted a paramount claim. The transfer of the authority over this territory from the French to the British Government, rendered more easy the migration to it of British colonists from the Atlantic frontier. Western lands had been appropriated as a compensation for services rendered by the officers and soldiers, who were attached to the Virginia forces in the war prosecuted by Great Britain against Canada. These circumstances had an immediate effect in promoting the discovery and settlement of the country on the Ohio. On that part of the great Kanhawa, called New River, explorations and settlements had been made by emigrants from Virginia, and surveys of some of these bounty lands were made on the banks of that stream in 1772. In 1773, surveyors

were instructed to lay out bounty lands on the Ohio. They descended that river from Fort Pitt to the 'Rapids,' in 38 degrees 8 minutes of north latitude. From that point they diverged in their course, explored the adjacent lands situated in Kentucky for a considerable distance and in various directions, 'executed surveys on several salt-licks and other choice places, and returned home delighted with the country.' General Thompson, of Pennsylvania, about the same time, passed down the Ohio to the mouth of Cabin creek, and made extensive surveys, including the fertile lands on the north fork of Licking river. Another party of surveyors, pursuing the route which had been chosen by their predecessors in the previous year, arrived at the Rapids, traversed the country on both sides of the Kentucky river to Elkhorn on the north, and Dick's river on the south, and made occasional surveys in their progress.

No permanent settlement had yet been effected in the country. In 1774, James Harrod erected a cabin at a place which was afterwards called Harrodsburg. Hostilities were waging between the Indian tribes north-west of the Ohio and the inhabitants of Virginia. A severe action was fought by the adverse forces at the mouth of the great Kanhawa, in which the Virginians were victorious, and they gave to the ground which had been the scene of the conflict, the name of Point Pleasant. Soon after this event, Governor Dunmore, who commanded the main body of militia which had not been engaged in the action, advanced into the territory of the Indians and concluded a treaty with them. A few permanent settlements were formed in 1775. Emigrants, the greater part of whom were from Virginia, established themselves at Harrodsburg and Logan's Camp, subsequently named St. Asaph's. The accounts of the country which had been disseminated by Finley and his associates, and corroborated by Boone, were circulated in North Carolina, and excited great attention.

Colonel Richard Henderson and others, impressed with very favorable expectations of the emolument which might probably be derived from a possession of the country on the south side of the Kentucky river, resolved to purchase it from the Cherokee Indians, whose claims to the soil extended to the Tennessee. The purchase was intended to be made a colorable pretext for assuming actual possession, and the settlement and occupancy of the lands were to be effected by force.

The company, of which Henderson was the principal, made a treaty with the natives at Wataga, in March, 1775, completed the purchase for goods valued at six thousand pounds, obtained a deed, and in the same year took possession at Boonsborough, which had been so named in honor of Daniel Boone. They opened an office for the sale of the lands, thus acquired, and of which they considered themselves the legal proprietors. Their opinions in relation to the legality of their title were, however, erroneous. The report of their proceedings excited great dissatisfaction in Virginia. That Colony, in consequence of being under the control of the British crown, or engaged in the dispute which existed between the parent State and a part of her Provincial dependencies in North America, had not bestowed much attention upon Kentucky. But when, in 1776, the Declaration of Independence was made, Virginia insisted that her territorial supremacy was, of right, to be exercised over the entire extent of country included within the limits established by the royal charter, granted by James the First, and bearing date the 23d of May, 1609. She alleged that these limits extended from the Atlantic to the Pacific ocean, and asserted the exclusive right of purchasing the lands comprised within those limits, from the aboriginal proprietors. In pursuance of the right thus claimed, the Legislature of Virginia declared the purchase made by Henderson and his associates null and void, so far as it affected that State, but valid for the purpose of extinguishing the Indian title, which, in consequence of this legislative act, vested solely in Virginia. But it was deemed an act of public justice towards Henderson and his companions, to offer them compensation for the lands thus transferred from them to the Government, by which the permanent title had been claimed and maintained. A grant of two hundred thousand acres, constituting a part of the same lands was, therefore, made to them. This grant, which was situated at the junction of Green river with the Ohio, was satisfactory to the grantees; and the settlers in other parts of the country, who had derived their titles from them, acquiesced in the right claimed by Virginia, and concurred in considering her authority as the proper source of the titles by which they held their lands, and of the means which might be required for their own protection. The Legislature of Virginia, meantime, gave their confirmatory sanction to a purchase which had been made from the Six Nations by Col-

onel Donaldson, and which included the country north of the Kentucky river. The Indian title to all that part of Kentucky situated north of the Tennessee river, was now extinguished by purchase, and the territorial authority of Virginia extended to the Ohio, eight hundred miles distant from the Atlantic.

A circumstantial detail of all the dangers and difficulties to which the first white settlers of the country were exposed, of the conflicts which they waged with a ferocious enemy, and of the individual adventures which many of them achieved, is not within our present purpose. The fairest and most enduring monument which could be reared to perpetuate the memory of their toils, their sufferings, and their perils, is seen in the magnificent edifice of an independent commonwealth, which their exertions have built up, and which will remain as an imperishable memorial of their fame.

Almost incessantly surrounded and watched by the savage aborigines of the forest, who were jealous of their natural rights to the soil, and resolute in defence of them, these devoted pioneers of civilization found little relaxation from the labors and dangers which were incident to their situation.

To relieve the frontier settlements from the danger with which they were menaced by the almost unremitted inroads of the savages, an expedition was proposed by General George Rogers Clark, against the aggressors. In September, 1782, a body of volunteers, amounting to one thousand men, assembled on the Ohio, and marched under the orders of Clark, against the Indian towns on the Miami and Scioto. The expedition was successful, and from the period at which it was effected, Kentucky was exempted from encroachment by any large force of hostile savages. The military positions of Kaskaskias and Vincennes had been attacked and taken by General, then Colonel Clark, in 1778.

Although harassed by the sanguinary enemy, who were inflexible in their resolution to expel from the soil of their fathers all whom they considered as intruders upon it, the country of Kentucky made steady, but slow advances in improvement. In the summer of 1779, preparations were made by several families, who resided in the interior of Virginia, to establish themselves in Kentucky. Their determination to migrate to that country, is believed to have been attributable to the law passed by the Legislature of Virginia relative to lands situated in the Kentucky district, which still constituted a

part of the parent State. That law provided for the appointment of commissioners by the Governor, with the advice of the Council of State, who were authorized to hear and determine all controversies concerning claims to land. They were empowered to grant certificates of settlement and pre-emption to those who might establish such claims. One of the courts, composed of these commissioners, was invested with exclusive jurisdiction over the district of Kentucky, which then constituted a single county.

The informal and vague language in which the certificates of the grants were drawn, furnishes a monitory example of the want of caution with which the titles to real property are conveyed and protected in a country of recent discovery, where the legal and indispensable muniments that constitute the best evidence of right, are disregarded, or considered as not essential to its security. That the want of exact, if not technical descriptions of the property thus placed in uncertain possession by these certificates, has been a fertile source of anxiety, as well as of tedious and expensive litigation in Kentucky, we may well believe. The evils which must have resulted from it, should admonish legislative power to guard against the creation or recurrence of the disasters which a disregard of definite terms in land-titles almost invariably produces.

On the first of November, 1780, the county of Kentucky was divided into three counties, designated by the names of Jefferson, Fayette and Lincoln. From that period until the new counties were organized, entries and surveys of land were suspended. The three counties were to constitute the 'District of Kentucky,' and a court, invested with common law and chancery jurisdiction, was established within its limits.

With a liberality, which merits high commendation, Virginia, in 1781, offered to cede to the United States, the whole of that part of her territory comprised within her charter, and situated on the north-western side of the Ohio. Simultaneously, she stipulated certain terms as the conditions of the proposed cession. These were acceded to by Congress in the same year, and a formal deed was executed by the representatives in Congress, from Virginia, on behalf of the State, and accepted by that body in 1784. The rights of soil and dominion were transferred to the Federal Government, subject to the condition, under which they were granted and accepted, that certain specified individual rights should be secured, the payment of

expenses incident to obtaining actual possession, guarantied, and that the States which might be erected within the relinquished territory, should be based upon republican principles.

Preliminary articles of peace had been signed at Paris, between the United States and Great Britain, on the 30th of November, 1782; but information of that fact was not received in Kentucky before the spring of 1783. The establishment of definite boundaries for the district, was considered by its inhabitants as inferior in importance only to the acknowledgment of the national independence, and excited a great degree of interest. The claim of the Federal Government was extended, both by conquest and charter, to the eastern bank of the Mississippi. With considerable anxiety, France and Spain had observed the existence of this claim; one of these powers being in possession of a vast territory on the Mississippi, and both of them holding islands in the seas with which that river communicates. By an article of the treaty of Paris, all the fortified posts, which had previously been held by Great Britain within the acknowledged limits of the United States, were to be delivered up to our Government. It was supposed, that the possession of these posts by the British crown, gave it a great influence over the Indian tribes, who had been accustomed to obtain from them their warlike supplies, and that the surrender of them to the United States would transfer that influence to this country. The surrender was delayed a considerable period beyond the time when, in the opinion of many of the inhabitants of Kentucky, it ought to have been executed. Great dissatisfaction was occasioned among them, in consequence of the presumed violation of that part of the treaty in which the delivery of the posts was stipulated.

Another cause of complaint in the district was the alleged infraction of the treaty on the part of the British Government, by the exportation of negroes from the United States. Congress adopted resolutions directing the transmission of copies of letters and other papers on the subject, which had passed between the commander-in-chief and Sir Guy Carleton, to the Ministers Plenipotentiary of the United States for negotiating a peace in Europe. The Plenipotentiaries were directed to present a remonstrance to the Government of Great Britain in relation to the asserted infraction of the treaty, and to adopt measures appropriate to the circumstances of the case. These instructions were executed, but without effect; and the British

Government declined all interference to prevent the blacks from being taken out of the country. It was alleged by that Government, that, according to the rules which govern belligerent States, they had the right to retain possession of the negroes, who had been captured during the existence of hostilities ; that all the blacks who had been sent out of the country ' were taken in the course of the war ;' that, therefore, they were not included in the terms of the treaty, which was intended to *protect* only those belonging to both the contracting parties, who had *not been taken*, not to restore such ' as had been reduced to possession.'

The application of the belligerent principle asserted by the British was not admitted by the American claimants, who insisted on their right, as proprietors, to the negroes in question.

The disregard of the treaty on the part of Great Britain, inferred from these circumstances, produced much excitement in Kentucky, which was believed to be peculiarly affected by the presumed breach of faith. The detention of the posts was a subject of special animadversion. By the direction of General Washington, a correspondence was opened between Baron Steuben, Mr. Clinton, Governor of New York, and General Haldimand, the British commander in Canada, relative to the delivery of the posts agreeably to the provision of the treaty. General Haldimand replied to the application for the surrender of the posts, that he had received from his Government no instructions for such surrender, and declined entering into any arrangement on the subject ; and thus terminated the correspondence and the prosecution, at that time, of the object with which it had been commenced.

To the causes which have already been enumerated, as those which tended to excite discontent among the people of Kentucky, were added others, originating in the alleged obstruction of the Mississippi. The uninterrupted navigation of that river was considered to be of great importance to the western country, and from its enjoyment, Kentucky anticipated the most important advantages. Previously to 1787, but little discussion had arisen on the subject in that part of the country. An association, which assumed the style of ' A Committee of Correspondence in the Western part of Pennsylvania,' in an address to the people of the district of Kentucky, declared that a proposition had been made by Mr. Jay, the Secretary for Foreign Affairs, to Gardoqui, the Spanish Agent

in the United States, to cede the navigation of the Mississippi to Spain, for twenty-five or thirty years. The committee averred that this cession was to be made 'in consideration of some commercial advantages to be granted to the United States, but such as the people of the western country could derive no profit from.'

The intelligence which this communication conveyed, occasioned much alarm among those to whom it was addressed. It was viewed as evidence of a design to deprive them of the benefits incident to the free navigation of the Mississippi; and, by some who had a special interest in magnifying the impending evil, it was asserted that Congress designed to relinquish to Spain the exclusive right of navigating the river. A circular letter was addressed to the different courts in Kentucky, signed by George Muter, Harvey Innis, John Brown, and Benjamin Sebastian, in which they declared that they had been directed by 'a respectable number of the inhabitants of the district,' convened at Danville, to address the inhabitants on the western waters respecting the measures which the district ought to adopt in relation to the proceedings of Congress, on the proposition to cede the navigation of the Mississippi to Spain.

Whether such a proposition was ever made, may at least be doubted. But there is an evident inconsistency between the circular, and the allegation preferred by the Pennsylvania committee. It substitutes Congress for the Secretary of Foreign Affairs, and thus attaches to the proposition itself a greater importance, and a character more national, than it would have possessed had it been made by a mere subordinate ministerial functionary. Whatever was the source whence the allegation originated, or the degree of credence to which it was entitled, it is certain that the belief of the proposition having been made, produced a violent sensation in Kentucky. The excitement was not confined to the district. The General Assembly of Virginia, in November, 1786, had taken into consideration the subject of the Mississippi navigation, in reference to the allegations contained in the circular. Their attention was directed to it, by a remonstrance presented by some individuals, residing within the western territory of Virginia, who preferred an application for relief from legislative authority, to the convocation of a convention.

The question relative to the expediency of seceding from Virginia, and establishing a separate government, was agitated

with much earnestness in Kentucky. During the sessions of the August courts, in 1787, five delegates were elected from each county, who were to assemble in convention at Danville, on the first Monday of September, to decide upon the propriety of erecting a distinct, independent government for the district. The convention met and decided unanimously, that it was expedient for the district to be separated from Virginia 'upon the terms and conditions prescribed by law.' An address was presented by the convention to Congress, soliciting the admission of the district into the Federal Union, under the name of 'The State of Kentucky.'

The Federal Constitution, formed in 1787, was submitted to the people of the United States for their confirmation. The subject was one of momentous importance, and excited intense interest in Kentucky. Of those who were opposed to the adoption of the constitution, the advocates for the separation of the district from Virginia by violence, appear to have been the most numerous and zealous. They employed against the instrument, of which they thus disapproved, the same reasons which have been so frequently urged by the devoted adherents of the rights of the States, to evince the danger of rendering them subordinate to a supreme, controlling power, vested in the concentrated body of the Union. They contended, that the establishment of this constitution would endanger these rights, as well as the personal liberty of the people; and that it invested the General Government with too much power to be consistent with the force which each member of it should possess.

Nothing is more susceptible of demonstration than the fallacy of these objections.

The apprehensions which were avowed by the opponents of the constitution in relation to the undue preponderance which the Federal Government might exercise over the States, have been either dissipated or confuted. The opinions of those, who wished to invest the States with rights and powers, inconsistent with the prosperous existence of the Union, have been overthrown by experience and fact. These have shown the accuracy of the sentiments entertained by the early and illustrious advocates of the Constitution,—that the power which it bestowed on the General Government was not greater than is required for its efficient operation,—that, from the very nature of its organization, it can never encroach upon the constitu-

tional rights of the States,—and that more danger is to be apprehended of the aggressions of these upon the Federal power, than from any probable attempts which that power may make upon their defined and recognised authority.

The excitement which prevailed in Kentucky on the subject of the proposed Constitution was, no doubt, dictated by such feelings as the nature of the contemplated political structure was calculated to inspire. The principles upon which the national edifice was to be founded were different, in their essential character, from any that had hitherto constituted the elements of a confederated State. It was necessary that popular rights and popular influence should be reconciled with the exercise of prompt, energetic, and constitutional supremacy, by a central power, deriving its entire authority from the people, and returning, in its collected force, upon themselves.

The people of the district, at their county elections, in April, 1785, chose delegates to meet in convention, in May of that year, for the purpose of deciding on the expediency of applying to the General Assembly of Virginia for an act of separation. The convention assembled at Danville, on the 23d of May, 1785.

It is a remarkable incident in the history of Kentucky, that this convention recognised and adopted, by a unanimous vote, the principle of equal representation by numbers. This principle was contrary to that contained in the constitution of Virginia, which established a representation by counties, without regard to population or extent. It was advocated, as a salutary provision, by those who considered it as of essential importance in the form of a government, of which equality of rights constituted a fundamental principle.

The application of the people of the district for a separation from Virginia was successful. In January, 1786, the Legislature of that State passed an act authorizing the separation, and prescribing the conditions on which it was to be effected.

The act requires an election of representatives by the free male inhabitants of the district, to decide upon the expediency of its establishment as an independent State, on certain terms, which are specified. The boundary between Virginia and the proposed State was to remain the same, as that which had separated the district from the residue of the State. The new State was to assume the payment of part of the debt due by Virginia. All private rights and interests in lands, within the

district, derived from the laws of Virginia, previously to the separation, were to be secured by the proposed State, and determined according to the laws of the original community. Lands within the State belonging to non-residents, were not to be taxed higher than those of residents, at any time prior to the period when it should be entitled to a vote by its delegates in Congress, provided such non-residents were out of the United States. Such lands were not to be so taxed at any time, either before or after that period, if the non-resident proprietors resided in Virginia, with which this stipulation was to be reciprocal; or in any of the United States, by which such stipulation should be declared reciprocal within their limits. Neglect to cultivate or improve land within either Virginia or the proposed State, belonging to non-residents, was not to subject such non-residents to forfeiture or any other penalty, within the term of six years after the admission of the district as a State into the Union. No grant of land or land warrant, to be issued by the proposed State, was to interfere with any warrant issued from the Land Office of Virginia before the separation, if such warrant or grant were executed on land within the district, on or before the first of September, 1788. Military lands, appropriated by Virginia to the benefit of individuals or classes of individuals, were to continue subject to the disposition of that commonwealth until the first of September, 1788, and after that time, such of them as might be within the proposed State, were to be subject to its own disposition. The use and navigation of the Ohio river, within the limits of the proposed State and of Virginia, were to be free and common to the citizens of the United States, and a concurrent jurisdiction was to exist between both those States and other States situated on the respective sides of the river. Any complaint or dispute which might arise between Virginia and the district after its erection into an independent State, relative to the meaning or execution of the provisions here enumerated, was to be determined by six commissioners, two of whom were to be chosen by each of the parties, and the remainder by the commissioners thus chosen.

It was stipulated, that if the convention should approve of the erection of the district into an independent State on these terms, they should fix a day posterior to the first of September, 1787, on which the authority of Virginia over the new State, with the foregoing exceptions, was to terminate, and the

articles of separation were to become a solemn compact, binding on both parties, provided that, prior to the first of June, 1787, Congress should erect the district into an independent State, and release Virginia from its federal obligations, resulting from such erection.

A convention, agreeably to the requisition of the legislative act just referred to, assembled, and chose George Muter its President. The expediency of erecting the district into a separate State, on the terms specified by the act, was agreed upon. These terms were formally accepted by the convention. The first day of June, 1792, was designated as the period when the district was to become independent of Virginia, and the articles of separation were at that time to be considered as a compact obligatory on the people of Kentucky.

Elections were held in December, 1791, for members of a convention, which was to assemble on the first Monday of the ensuing April, at Danville, to form a constitution for the State of Kentucky. The State had been admitted into the Union on the fourth of February, of the same year. At the time prescribed for holding the convention, that body assembled and framed a constitution for the State, which was superseded in 1799, by another instrument, under which the State Government is now in operation.

The view which has been presented in this article of the 'History of Kentucky,' is from necessity, very cursory. We have been compelled to restrict it within the period at which the first settlement of Kentucky was effected, and that at which the State assumed its independent rank among the members of our great political society. Subsequently to that period, many occurrences connected with the history of the State, and of great interest to its citizens, have taken place, which, from the excitement they produced and the influence they exercised, are well deserving of regard.

In contemplating the past history of Kentucky, there is ample cause of gratification to its citizens, and no less ample cause of hope for the future. Within a few years, what revolutions have not been accomplished in the appearance of external nature, and in moral and intellectual condition! Arts, science, literature,—the institutions of enlightened political society; the refined enjoyments of domestic life; the security of property, and the inducements for exertion, which it is incess-

santly strengthening and extending, are all results of that one great principle, for which the age is becoming more and more distinguished,—the acknowledgement of the right of every human being to advance his own happiness, without infringing that of others.

The work of improvement is however not yet completed. The spirit which has so long slumbered over the degradation and moral ruin of the old world, is just awaking. Its efforts may for a time be resisted, and its onward course retarded by the desperate struggles of the policy which has been directed against the rights and the happiness of many, to preserve the supposed interests of a few. But its triumph must, and will come. There is no strength which can successfully contend long with the energies of the enlightened, when supported by intrepidity and virtue. In our own country, their effects have been evinced by the rapidity with which it has advanced towards the ultimate and only valuable object of civil and political institutions, the happiness of the people. And in no part of our extensive territory has their influence been more perceptible or salutary, than in the West. Under their impulse, men have there proceeded with firm, undeviating step, in the course which is to lead them to the enjoyment of all that can be attained by human power, or should be desired in the present state of being. They have established governments, which, while their subordination to one central and controlling power is willingly conceded, have, within themselves, the vital principle by which their permanence is rendered secure. In the pursuit of the objects which they contemplate, as members of the great political confederacy, they are never unmindful of the duty which they owe to that supreme authority, but make all temporary and all sectional interests subservient to its control.

From such devotion to the general weal, guided and sustained by such moral and intellectual force as has hitherto attended it, what may not be anticipated for the republic? With the exhaustless resources of every kind which physical nature has lavished on the West, what prosperity is too brilliant to be predicted as its destiny? Its citizens have only to persevere in the career, which they have opened for themselves and so successfully pursued, in order to deserve and obtain the high praise of having contributed to the attainment of that final and best object of virtuous ambition,—national greatness, unsullied by national guilt.